

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROMAN A. WHYTE,

Defendant.

Case No. 16-CR-165-2-JPS

ORDER

On October 12, 2016, the government filed a two count indictment against the defendant, charging him with robbery and use of a firearm during that robbery, in violation of 18 U.S.C. §§ 1951(a) and 2 and 924(c)(1)(A)(ii) and 2. (Docket #1). On March 9, 2017, the parties filed a plea agreement indicating that the defendant agreed to plead guilty to Count One, and that Count Two would be dismissed at sentencing. (Docket #30 at 2-5).

The parties appeared before Magistrate Judge William E. Duffin on March 31, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #40). The defendant entered a plea of guilty as to Count One of the Indictment. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Duffin determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #40 and #41).

Thereafter, Magistrate Duffin filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the

defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #41). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.

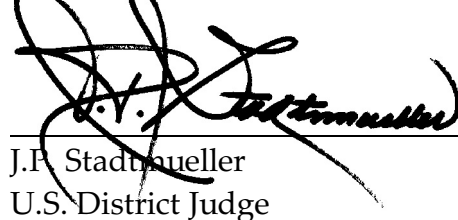
The Court has considered Magistrate Duffin's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #41) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 19th day of April, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge